

**STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
REGULAR BOARD MEETING**

**FINAL MINUTES**

**JUNE 16-17, 2020**

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED  
MSF = MOTION: MADE, SECOND: FAILED)**

**THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 9:24 A.M. TUESDAY, JUNE 16-17, 2020 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET ROOM 172 BOISE, IDAHO 83706. BOARD MEMBERS BOB BAROWSKY (CHAIRMAN), LOUISE STARK, AND WAYNE HUNSUCKER WERE PRESENT IN THE OFFICE. BOARD MEMBERS GEORGE MCQUISTON AND ZACH MASON PARTICIPATED BY CONFERENCE CALL. ALSO PRESENT IN THE OFFICE WERE EXECUTIVE DIRECTOR LORI THOMASON, OFFICE SUPERVISOR AMANDA HARPER, EDUCATION AND ENFORCEMENT CHIEF RANDY WADLEY, BOARD ATTORNEY ROGER HALES AND PROSECUTING ATTORNEY KRISTEN ATWOOD.**

**MEETING OVERVIEW** – Chairman Bob Barowsky gave an overview of the Board meeting.

**ROLL CALL:** A roll call was taken.

**MSC (MOTION: HUNSUCKER, SECOND: STARK; AYES – STARK, HUNSUCKER, MASON AND BAROWSKY; NAYES – NONE) AMEND THE AGENDA TO BRING FORWARD THE FINANCIAL REPORT, CONSENT AGENDA AND DIRECTOR'S REPORT WHILE AWAITING ALL PARTIES TO APPEAR FOR THE HEARINGS.**

**FINANCIAL REPORT – OVERVIEW** – Director Lori Thomason gave a budget review for the final month of fiscal year 2020. Director Thomason stated that fiscal year 2021 has a budget set for \$633,100. The Board reviewed the financial report for January, February, and March 2020. **MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES – STARK, HUNSUCKER, MASON AND BAROWSKY; NAYES – NONE) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED.**

**CONSENT AGENDA** – The Board reviewed the Consent Agenda. Board member Louise Stark updated the information pertaining to the vacated (Stan Potts) area in Fish and Game unit 20A. **MSC (MOTION: STARK; SECOND: MASON; AYES – HUNSUCKER, STARK, MASON AND BAROWSKY; NAYES – NONE) CORRECT THE NEW OPPORTUNITIES AREA REPORT TO REFLECT CHANGES TO THE STAN POTTS AREA AND ADD THE JAMES SUPER AREA BASED UPON STAFF RESEARCH.**

**MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES – HUNSUCKER, STARK, MASON AND BAROWSKY; NAYES – NONE) APPROVE CONSENT AGENDA WITH REQUESTS AS MADE IN PREVIOUS MOTION.**

**DIRECTOR'S REPORT – Office Lease** – Director Thomason reported that she is still waiting on the State Leasing Program to approve when and where the IOGLB office will be moving. She said that the current building that IOGLB office is in will be torn down, and that we must vacate no later than October

1, 2020. **Prospectus** – Director Thomason discussed a pending prospectus on the Payette National Forest for snowmobiling. **(MOTION: HUNSUCKER; SECOND: STARK; AYES – HUNSUCKER, STARK, MASON AND BAROWSKY; NAYES – NONE) ACCEPT THE PROSPECTUS ON THE PAYETTE NATIONAL FOREST FOR SNOWMOBILING.**

**cont. Emailing Licenses** – Director Thomason explained that with the new eLite licensing database, staff has the ability to email licenses instead of printing and postal mailing. She said that during the stay-at-home order, the staff had been doing this. She asked the Board if this could be a permanent practice and, in the instance that an outfitter would like their or their guides' licenses printed and postal mailed, they would just need to email the office with that request. She explained that guide licenses will be sent directly to the employing outfitter. **(MOTION: HUNSUCKER; SECOND: STARK; AYES – HUNSUCKER, STARK, MASON AND BAROWSKY; NAYES – NONE) APPROVE THE METHOD OF EMAILING LICENSES AS A PERMANENT OFFICE PROCEDURE.**

**cont. COVID-19 Report** – Director Thomason stated that the work-from-home order was very successful for office staff to continue to provide customer service and operations not to be interrupted. She said that many emails were sent with updates to the outfitters, so they were continually up to date with information. She said that in the instance items were not able to be done from our home, staff would come into the office to complete those tasks. **Executive Order 2010** – Director Thomason explained that the IOGLB agency, by Executive Order, now falls under the Idaho Division of Occupational and Professional Licensing (IDOPL). She stated that the strategic plan, budget, and administrative rules will now go under IDOPL for reporting. She informed the Board that Dawn Hall is the Section Chief who is assigned to our agency. **(MOTION: HUNSUCKER; SECOND: STARK; AYES – HUNSUCKER, STARK, MASON AND BAROWSKY; NAYES – NONE) ACCEPT THE DIRECTOR'S REPORT.**

**Dylan J McGregor – Guide License Hearing** – A guide license hearing was conducted by the Board's prosecuting attorney Kristen Atwood. Dylan McGregor, the applicant, was identified and placed under oath. Ms. Atwood explained that Director Thomason, by Board policy, had deferred Mr. McGregor's new guide license application due to the Enforcement Division's review and scoring of Mr. McGregor's felony and misdemeanor convictions disclosed on his application. Mr. McGregor is seeking a guide license to work for Hammer Down River Excursion LLC. Mr. McGregor testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK, SECOND: MASON; AYES – STARK, HUNSUCKER, MASON AND BAROWSKY; NAYES – NONE) TO GRANT MR. MCGREGOR A GUIDE LICENSE WITH TWO-YEAR RESTRICTED PROBATION.**

**Christopher J. Wiley – Guide License Hearing** – A guide license hearing was conducted by the Board's prosecuting attorney Kristen Atwood. Christopher Wiley, the applicant, was identified and placed under oath. Ms. Atwood explained that Director Thomason, by Board policy, had deferred Mr. Wiley's new guide license application due to the Enforcement Division's review and scoring of Mr. Wiley's felony and misdemeanor convictions not disclosed on his application. Mr. Wiley is seeking a guide license to work for Pend Oreille Charters LTD Co. Mr. Wiley testified, and certain exhibits were introduced into evidence. **MSC (MOTION: HUNSUCKER, SECOND: STARK; AYES – STARK, HUNSUCKER, MASON AND BAROWSKY; NAYES – NONE) TO GRANT MR. WILEY A GUIDE LICENSE WITH NO RESTRICTIONS.**

**Thomas W Jacobs – Guide License Hearing** – A guide license hearing was conducted by the Board's prosecuting attorney Kristen Atwood. Thomas Jacobs, the applicant, was identified and placed under oath. Ms. Atwood explained that Director Thomason, by Board policy, had deferred Mr. Jacobs's new guide license application due to the Enforcement Division's review and scoring of Mr. Jacobs flagrant Idaho Fish and Game violation, felony, and misdemeanor convictions disclosed on his application. Mr.

Jacobs is seeking a guide license to work for Hammer Down River Excursions LLC. Mr. Jacobs testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK, SECOND: MASON; AYES – STARK, HUNSUCKER, MASON AND BAROWSKY; NAYES – NONE) TO GRANT MR. JACOBS A GUIDE LICENSE WITH ONE-YEAR GENERAL PROBATION.**

**Todd A Johnston – Guide License Hearing** – A guide license hearing was conducted by the Board's prosecuting attorney Kristen Atwood. Todd Johnston, the applicant, was identified and placed under oath. Ms. Atwood explained that Director Thomason, by Board policy, had deferred Mr. Johnston's new guide license application due to the Enforcement Division's review and scoring of Mr. Johnston's felony and flagrant Idaho Fish and Game misdemeanor convictions disclosed on his application. Mr. Johnston is seeking a guide license to work for Rooney Creek Outfitters LLC. Mr. Johnston testified, and certain exhibits were introduced into evidence. **MSC (MOTION: HUNSUCKER, SECOND: MASON; AYES – STARK, HUNSUCKER, MASON AND BAROWSKY; NAYES – NONE) TO GRANT MR. JOHNSTON A GUIDE AND DESIGNATED AGENT LICENSE WITH NO RESTRICTIONS.**

**Michael E Knight – Guide License Hearing** – A guide license hearing was conducted by the Board's prosecuting attorney Kristen Atwood. Michael Knight, the applicant, was identified and placed under oath. Ms. Atwood explained that Director Thomason, by Board policy, had deferred Mr. Knight's new guide license application due to the Enforcement Division's review and scoring of Mr. Knight's flagrant Idaho Fish and Game and misdemeanor convictions disclosed on his application. Mr. McGregor is seeking a guide license to work for J & V Big Game Outfitters. Mr. Knight testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – STARK, HUNSUCKER, MASON AND BAROWSKY; NAYES – NONE) TO GRANT MR. KNIGHT A GUIDE LICENSE WITH TWO-YEAR RESTRICTED PROBATION.**

*Meeting recessed for lunch at 12:00 p.m. Meeting reconvened at 1:30 p.m. with all listed above present. Board member George McQuiston joined the meeting via Zoom. Board Attorney Joan Callahan joined in the office.*

**IDFG UPDATE** – Brad Compton, Regional Supervisor with the Idaho Department of Fish and Game (IDFG), appeared before the Board and gave an update. **Wolf Depredation Control Board** – The IDFG transfers up to \$110,00 into a fund that is also contributed to by livestock producers and the general fund. The money is then used to pay for control of wolf depredation. Most of the money is used to contract with Wildlife Services who are reactive and responsive to primarily livestock depredation. Some of the money is also used to contract with crews for the removal of wolves to assist with elk recovery in the Lochsa. This is done annually with direction to mainly focus on key livestock depredation. **Petition for Rulemaking** – IDFG received two petitions in advance of the May Commission meeting. One was to allow for the use of lighted nocks which was rejected by the Commission. The other petition received was the requirement for signage for trapping and wolf hunting areas which was also rejected by the Commission. **Spring Chinook Season Update and Modification** – IDFG was able to offer a limited season in the lower Snake and Salmon rivers. **Legislative Proposals** – IDFG will move forward with a proposal on the authority to establish sage grouse tags. **Election of Commission Chair and Vice Chair** – Brad Corkill out of the Panhandle Region was elected as the new Chairman and Greg Cameron out of the Magic Valley Region was elected as Vice Chairman. Commissioner Brad Melton out of the Clearwater Region has resigned. The Governor's office is currently interviewing for that position. Commissioner Jerry Myers out of the Salmon Region has indicated that he will not seek reappointment for a second term. The Governor's office is actively seeking nominations for that position. **Commission Conference Call** – At the Commission conference call June 16, 2020, the Commission adopted a short Chinook salmon fishing season in the upper Salmon River that is to start on June 26<sup>th</sup> and run only on Fridays, Saturdays and Sundays. Bag and possession limits are four, with no more than two

being adults. **Open Negotiated Rulemaking Process** – The IFGC has an open negotiated rulemaking comment period running from June 3 – June 26, 2020. The topics that comment will be taken on are:

1. Landowner Appreciation Program Tag Application Period
2. Provide Commission Authority to Limit Nonresident Disabled Veteran Deer and Elk Tags
3. One-Year Waiting Period for Successful Pronghorn Controlled Hunt Tag Application
4. Designate Two Special Waterfowl Hunting Days for Veterans and Active Military Personnel
5. Provide Commission Authority to Set a Later Season Date for Nonresident Participation in Pheasant Seasons
6. Simplify Turkey Tag Options Offered to Hunters
7. Establish Uniform Requirements for Game Bird Tag Validation and Attachment
8. Establish Additional Limits on Dry Ground Set Using Body-Gripping Traps
9. Simplify Rules Associated with the Use of Bait for Trapping Furbearing and Predatory Animals

**Nonresident Guides** – Board member Louise Stark asked Mr. Compton what the requirements are for a nonresident guide to carry a hound hunting permit. Mr. Compton stated that a nonresident guide must carry a license and a bear tag if they are going to carry a hound hunting permit and are in control of dogs while hunting. Ms. Stark asked how the Board could work with IDFG at amending that Rule. Mr. Compton stated that it would require a change to Rule. **Retirement** – Brad Compton has announced his retirement, which will take place in August. Mr. Compton stated that Jon Rachael, State Wildlife Manager, will be his replacement as the liaison between IOGLB and IDFG. **Non-outfitted Areas** – Board Chairman Bob Barowsky asked Mr. Compton to weigh in on areas that have not been traditionally outfitted. Mr. Compton said that if an individual or individuals work through the process of a prospectus, IDFG can do an analysis of the proposed activities.

**OFFICE SUPERVISOR'S REPORT** – Office Supervisor Amanda Harper asked the Board for direction on areas that have been traditionally not been licensed by outfitters, but have interest through an OG-21 form or request to be added to the waiting list. The Board directed staff to share the list of interested areas with IDFG and ask for their input and position on any biological concerns once a complete application has been received. **Renewals** – Ms. Harper gave an update on outfitter renewals. Fifteen outfitters have not renewed their outfitter licenses. Ms. Harper stated that as of July 1<sup>st</sup> all outfitter licenses that were not renewed will be relinquished, and therefore are void and vacated.

**ALLOCATION UPDATE** – Board staff member Susan Knappek presented an allocated voucher use comparison by zone for 2019 and 2020.

**ADOPTION OF TEMPORARY RULE FOR ALLOCATED TAGS** – Board Attorney Joan Callahan gave a brief overview of House Bill 426, which is the legislation that the Board worked on with the Idaho Outfitters and Guides Association (IOGA). She stated that IOGA carried the bill which was supported by both IOGLB and IFGC. Ms. Callahan added that due to HB426 being signed into law with an emergency clause, there is a need for a temporary rule to implement the new law changes. She stated that the temporary rule was worked on with interested parties at the same time the Statute was looked at. Ms. Callahan said that the draft temporary rule the Board is looking at today was reached through consensus with interested parties, including IOGA, DFM, and the Governor's office. The rule also streamlined and updated other sections to clean-up minor issues and ensure the rule was in line with the Zero Based Regulations Executive Order. She said the recommendation is for the temporary rule to go into effect October 1, 2020. This would be to avoid issues impacting 2020 tags, and also to start fresh with the 2021 big game season setting. Ms. Callahan then gave an overview of the temporary rule and answered any questions the Board had. **(MOTION: STARK; SECOND: HUNSUCKER; AYES – HUNSUCKER, STARK, MCQUISTON, MASON AND BAROWSKY; NAYES – NONE) ADOPT THE TEMPORARY RULE AS PRESENTED WITH THE EXCEPTION OF ELIMINATING**

**RULE 21 AND MOVE FACTORS THAT ARE NOT ALREADY COVERED IN OTHER LAWS AND RULES INTO THE APPLICATION SECTION, AND TO MAKE THE TEMPORARY RULE EFFECTIVE OCTOBER 1, 2020.**

**BOARD ATTORNEY UPDATE – Executive Order 2020-01** - Attorney Callahan gave a brief overview of Executive Order 2020-01, Zero-Based Regulation. This Executive Order repeals and replaces the Executive Order no 2019-02, Red Tape Reduction Act. **Executive Order 2020-02** - Ms. Callahan then gave a brief overview of Executive Order 2020-02, Transparency in Agency Guidance Documents. She explained that this Executive Order requires the agency to place all policies and guidance documents into a central place on the website. The staff is working on reviewing policies and making the necessary changes on the website. **Senate Bill 1351** – Ms. Callahan stated that Senate Bill 1351, which applies to all licensing agencies, was passed in the 2020 Legislative session. This bill standardizes how licensing Boards consider prior criminal history for applicants. She continued that the bill sets forth criteria that the board will need to consider if a license is to be denied or restricted based on criminal history.

**COMBINING LICENSES AND RELATED ISSUES** – Attorney Callahan stated that the Board had this issue on its list of items to consider after the omnibus rulemaking last year. The issue of combining licenses involves many related topics including issues involving the Board's laws, rules, and budget. She stated that these are areas that are coordinated with the Division Administrator for the IDOPL and the Board should involve the Division in the conversation on how to move forward.

**EDUCATION AND ENFORCEMENT REPORT** – Education and Enforcement Chief Randy Wadley reported the current number of complaints and case investigations so far this year. **Cases and Investigations** – 25 total investigations so far for 2020.

**IOGLB Enforcement Case:** Drew Hartley for convictions in Salt Lake County, Utah. The violations are misdemeanors for criminal mischief and public intoxication. **MSC (MOTION: HUSUCKER; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$400 FINE FROM DREW HARTLEY.**

**IOGLB Enforcement Case:** Kyle Hawkins for a conviction on Idaho Department of Lands in Unit 69. The violation is an IDFG conviction for hunt/harvest bull moose. **MSC (MOTION: HUNSUCKER; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$125 FINE FROM KYLE HAWKINS.**

**IOGLB Enforcement Case:** Craig Fischer for convictions in Teton County. The violations are misdemeanor convictions for controlled substance and intent to use drug paraphernalia. **MSC (MOTION: STARK; SECOND: MASON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$300 FINE FROM CRAIG FISCHER.**

**IOGLB Enforcement Case:** Charles Cornell for a conviction in Teton County. The violation is a misdemeanor conviction for excessive driving under the influence (DUI). **MSC (MOTION: HUNSUCKER; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$250 FINE FROM CHARLES CORNELL.**

**IOGLB Enforcement Case:** Trenton Bullock for a conviction in Gem County. The violation is a misdemeanor conviction for resisting and obstructing an officer. **MSC (MOTION: MCQUISTON;**

**SECOND: MASON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM TRENTON BULLOCK.**

**IOGLB Enforcement Case:** Leon Brown for a conviction in Bonner County. The violation is a misdemeanor conviction for reckless driving. **MSC (MOTION: HUNSUCKER; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM LEON BROWN.**

**IOGLB Enforcement Case:** Caleb Davis for a conviction in Lemhi County. The violation is an IDFG misdemeanor conviction for hunt and harvest a mountain lion without a game tag. **MSC (MOTION: MCQUISTON; SECOND: MASON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM CALEB DAVIS.**

**IOGLB Enforcement Case:** Cody Kroul for a conviction in Lemhi County. The violation is a misdemeanor conviction for driving under the influence (DUI). **MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM CODY KROUL.**

**IOGLB Enforcement Case:** Steven Aslett for a conviction in Twin Falls County. The violations are two misdemeanor convictions of driving under the influence (DUI). **MSC (MOTION: HUNSUCKER; SECOND: MCQUISTON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM STEVEN ASLETT.**

**IOGLB Enforcement Case:** Ewald Grabher for a conviction in Gallatin County, MT. The violation is a misdemeanor conviction for driving under the influence (DUI). **MSC (MOTION: HUNSUCKER; SECOND: MCQUISTON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM EWALD GRABHER.**

**IOGLB Enforcement Case:** Micah Vineyard for a conviction in Idaho County. The violation is a misdemeanor conviction for driving under the influence (DUI). **MSC (MOTION: MASON; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM MICAH VINEYARD.**

**IOGLB Enforcement Case:** Gary Cannon for two convictions by the USFS in Wyoming. The violations are USFS misdemeanor convictions for (1) possession/gathering of elk shed antlers prior to May 1<sup>st</sup> in an area closed to human presence and (2) being in an area closed to human presence for wintering wildlife prior to May 1<sup>st</sup>. **MSC (MOTION: HUNSUCKER; SECOND: MCQUISTON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM GARY CANNON.**

**IOGLB Enforcement Case:** Tyrell Kelly for a conviction in Clearwater County. The violation is a misdemeanor conviction for driving under the influence (DUI). **MSC (MOTION: STARK; SECOND: MASON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$450 FINE FROM TYRELL KELLY.**

**DIRECTOR'S EVALUATION – MSC (MOTION: STARK; SECOND: MASON; AYES – HUNSUCKER, STARK, MCQUISTON, MASON AND BAROWSKY; NAYES – NONE) MOTION TO GO INTO EXECUTIVE SESSION AT 4:57 P.M. TO DISCUSS PERSONNEL MATTERS PERTAINING TO THE DIRECTOR'S EVALUATION PURSUANT TO IDAHO CODE SECTION 74-206(1)(B).**

**MSC (MOTION: HUNSUCKER; SECOND: MASON; AYES – HUNSUCKER, STARK, MCQUISTON, MASON AND BAROWSKY; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION AT 5:46 P.M. WITH NO DECISIONS MADE.**

**The next Board Meeting is set for August 4 and 5, 2020.**

Chairman Barowsky adjourned the meeting at 5:46 p.m. until 9:00 a.m. June 17, 2020..

*Meeting reconvened at 9:00 a.m. on June 17, 2020 at 1365 N Orchard St Suite 172 Boise, ID 83706. Present were Board Chairman Bob Barowsky, Board member Wayne Hunsucker, Board member Louise Stark, Board member George McQuiston, Board member Zach Mason, Board Attorney Joan Callahan, Executive Director Lori Thomason, Education and Enforcement Chief Randy Wadley and Office Supervisor Amanda Harper.*

**NEGOTIATED RULEMAKING HEARING** – The Board held a negotiated rulemaking hearing regarding the designation of allocated deer and elk tags. Ms. Callahan explained the rulemaking process and the Board's rulemaking docket. The Board took written comment and heard testimony from those in attendance. The list of commenters and written comments were placed in the rulemaking record.

With no further business to come before the Board, Board Chairman Bob Barowsky adjourned the meeting at 12:00 p.m., Wednesday, June 17, 2020.

*Bob Barowsky*

*08-04-2020*

BOB BAROWSKY, BOARD CHAIRMAN

Date

ATTEST:

  
LORI THOMASON, EXECUTIVE DIRECTOR

*8-4-2020*  
Date